REMARKS

Claims 1-8 are pending. Claims 9-12 are added herein. Accordingly, claims 1-12 are at issue.

Claims 1-8 stand rejected under 35 U.S.C. §112 as indefinite. Claims 1 and 6 have been amended to address the indefiniteness noted in the action.

The indication of allowable subject matter in claims 4-7 is noted with appreciation. Claims 9-12 added herein are directed to the subject matter of claim 1, amended to address the indefiniteness rejection, and claims 4-7, respectively, which depend from claim 1. Thus, claims 4-7 should be in condition for allowance.

Claims 1-3 and 8 stand rejected under 35 U.S.C. §102(b) as anticipated by Gutberlet et al.

The rejection, as it may apply to the claims presented herein is respectively traversed.

Claim 1 is directed to a cross stacker for paper products and calls for a precollection chamber, a rotation device, and at least two ejection devices to eject printed products from the rotation device. Claim 1 further recites a transport device beneath the precollection chamber that alternately transports the paper products collected in the chamber to one of at least two ejection positions. As amended, claim 1 requires the transport of the paper products to one of the two ejection positions as allowing one of the ejection devices to eject the paper products from the one rotation device onto an associated discharge table. Gutberlet et al. fail to disclose or suggest the recited transport device.

More specifically, Gutberlet et al. disclose a rotary table below a stacking section 2. Pusher mechanisms 6 on either side of the table are operable to move pusher bars 74 across the table for pushing paper stacks off onto conveyors 8 and 10, as best seen in FIG. 4. The reference numbers of Gutberlet et al. indicated as corresponding to the claimed transport device are to idler rollers 56 attached to the table 4, and pusher bars 74 of the pusher mechanisms 6. These pusher bars 74 are driven by the chain sets 60 and 62 to push the stacks off the table onto the conveyors 8 or 10. Accordingly, Gutberlet et al. lack a transport device that transports paper products to one of at least two ejection positions where one of the

ejection devices can eject paper products from the rotation device. In Gutberlet et al., once the paper products leave the stacking section 2, there is no device that transports these paper products to an ejection position at which one of the ejection devices is operable. In other words, operation of the Gutberlet et al. pusher mechanism 6 does not occur at an ejection position to which the paper products have been transported. Instead, the pusher bars are operable at the area immediately below the stacking section 2. Further, the pusher mechanisms 6 do not push the stack onto an associated discharge table as does the presently claimed ejection device. Instead, the pusher bars push the stack onto the conveyors 8, 10. Accordingly, it is believed claim 1, and claims 2-8 which depend therefrom are allowable over Gutberlet et al.

Based on the foregoing, reconsideration and allowance of claims 1-8, and consideration and allowance of claims 9-12, are respectfully requested.

Respectfully submitted,

By:_____
Stephen S. Favakeh
Registration No. 36,798

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FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312/577-7000
Facsimile: 312/577-7007

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